

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARGUERITE HOFFMAN,

Plaintiff,

VS.

L&M ARTS, DAVID MARTINEZ
and STUDIO CAPITAL, INC.,

Defendants.

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Civil Action No. 3:10-CV-0953-D

PLAINTIFF'S MOTION FOR JUDGMENT AS A MATTER OF LAW

Plaintiff Marguerite Hoffman moves, pursuant to Fed. R. Civ. P. 50(a), for judgment as a matter of law and in support shows as follows:

1. Plaintiff is entitled to judgment as a matter of law as to the first (existence of contract) and second (performance of contract) elements of her breach of contract claim because after viewing the trial record in the light most favorable to Defendants, there is no legally sufficient evidentiary basis for a reasonable jury to find for Defendants on these elements.

2. Plaintiff is entitled to judgment as a matter of law as to Defendants' affirmative defense of waiver because after viewing the trial record in the light most favorable to Defendants, there is no legally sufficient evidentiary basis for a reasonable jury to find for Defendants on this affirmative defense.

WHEREFORE, Plaintiff prays that the Court grant her judgment as a matter of law and award her such other and further relief as the Court deems just and proper.

Dated: December 17, 2013

Respectfully submitted,

KONING RUBARTS LLP

By: /s/ Bart Wulff

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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing Plaintiff's Motion For Judgment As A Matter Of Law On Defendants' Affirmative Defenses is being served electronically via ECF on all counsel of record on the 20th day of December 2013.

/s/ Bart Wulff
Bart Wulff